

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
September 29, 2008**

I. Call to Order

The meeting was called to order by President Ann Schwend at 6:05 p.m.

II. Roll Call

BOARD MEMBERS PRESENT: Lane Adamson, Pat Bradley, Kathy Looney, John Lounsbury, Don Loyd, Dave Maddison, Eileen Pearce, Ed Ruppel, Laurie Schmidt, Ann Schwend

BOARD MEMBERS ABSENT: Dorothy Davis

STAFF MEMBERS PRESENT: Charity Fechter, Jim Jarvis, Leona Stredwick

STAFF MEMBERS ABSENT:

OTHERS PRESENT: Lance Craighead, Brent Brock, David Elias, Kevin Germain, Dan Child, Les Gilman

III. Minutes of the August 25, 2008 meeting

MOTION: To approve the minutes of the August 25, 2008 meeting with corrections. Moved by Laurie Schmidt; seconded by Eileen Pearce. Motion passed unanimously.

CORRECTIONS:

1. Page 1: Jim Jarvis should be deleted from the Staff Absent section as he was indeed present.
2. Page 3: Remove bullet referencing discussion with Mark Petroni as he was not present.
3. Page 13 – final paragraph: spelling error in the word “regarding” and punctuation error at the end with double periods.

IV. President’s Comments – None.

V. Opportunity for Public Comment

Kevin Germain spoke regarding the current situation with Moonlight Basin and the fact that Lehman Brothers has filed Chapter 11 bankruptcy. Construction has stopped. Various vendors and subcontractors are without payment but Moonlight is looking for other backers to carry on with construction. Still plan to open for the ski season.

VI. Public Hearings (No public hearings were scheduled.)

VII. Madison Valley Wildlife Overlay Mapping Project

Power Point presentation by Brent Brock, Craighead Environmental Resource Institute outlining a plan to provide various wildlife map layers to assist in subdivision planning to avoid overpopulation detrimental to area habitat. Discussion followed regarding:

- the importance of this project

- the need to be scientific not political
- ground truthing and verifiable data
- sponsors and financial supporters for the project

A science-based approach is being used to develop the finished product, which is expected to provide development suitability guidelines similar to the soils reports. The Planning Board recommended that funding be sought to expand the project to cover the entire county.

VIII. Geology Presentation

Susan Vuke, Montana Bureau of Mines and Geology discussed the geology of the Jack Creek/Moonlight Basin area. She showed various rock glaciers, landslides and fault lines in the area and spoke about their age and activity.

IX. Pre-Application

A. Lone View II Subdivision – Amended plat to realign 12 existing lots and one open space parcel and revise alignments for Southern Cross Way, Antares Trail to create 9 building lots and an additional open space parcel.

Charity presented her staff report and gave background on this application (report on file). The Commissioners felt that the changes were substantive, warranting review by the Planning Board.

Dan Child of Morrison-Maierle - Southern Cross Way and Antares Trail will have a detailed engineering analyses of the intersection completed and on the plat.

It was clarified that Antares Trail would be a cul de sac serving fewer home sites than originally platted. Dan confirmed this stating that the road had been shortened and would have fewer home sites generating very little traffic.

X. Preliminary Plats –

A. Elias Mill Gulch Subdivision – 4-lot minor subdivision located on the south side of Mill Gulch Road, 4.2 miles east of Laurin Described as Remainder Tract 3 of COS 7/1986, in SW1/4, Section 36, T. 5 S., R. 4. W., P.M.M. (Owner – David Elias). Recommended for approval.

Overview presented by Jim Jarvis (report on file). This subdivision is directly south of the Perkins Mill Gulch Subdivision which is the following item.

David Elias – owner/subdivider – no comment beyond that Jim did a good job presenting the facts/agreements.

Public Comment:

Les Gilman – property owner to the west. Appreciates the Planning Board's consideration and changes made to this point. No other real concerns beyond the concerns about the road; his property has been used in the past to by-pass poor road conditions. Road gets entrenched in the winter with snow drifts.

Planning Board Discussion

- Fencing. More details on lot line fencing vs. perimeter fencing and a discussion regarding the merits of each followed. No lot line fencing was recommended in the presentation. Jim noted that the fencing around the building envelope and a dry lot fence would be permitted.

Jim suggested a fence around the perimeter of the subdivision with no lot line fencing. David Elias stated that perimeter fencing around the 4 lots was optional to the property owner. Building site fence would separate animals from flowerbeds. Fencing the subdivision perimeter could cause a problem with cattle on the road and could cause additional problems with wildlife movement. Covenants call for particular type of fencing, including lay down fencing at certain times. His preference was against subdivision perimeter fencing.

- Impact on nearby spring. Regarding the springs location and the septic system - will there be a potential hazard due to the springs northwest flow (particularly on lot 4). David Elias felt that anything was possible but this was highly unlikely. The spring sits on the south side of a drainage channel which should drain water away from the spring. More of the Perkins lots may be an issue.
- Water availability. It was noted that there is a well at 300 feet at 30 gallons/min. but others are 6 and 12 gallons/minute. Pleased that wells are being developed and put in as a condition of the sale. Will there be enough water to support these wells and the 5,000 gallon cistern? David Elias felt that it would not be a problem. Each house is responsible for supplying 5,000 gallons of water for emergency use; in-house or subdivision wide. The spring in the area is probably fed by a shallow water supply while wells are deep, below the spring's water source.
- Septic disposal site and any health concerns that may exist. Les Gillman didn't feel that the nearby site receives excessive use. Use varies with the season. Dumping occurs in the center of the parcel, roughly ¼ mile from the subdivision. David Elias felt that the greatest risk was perhaps odor on a bad day as the disposal site is down water. With the prevailing wind, it is usually down wind as well. Possible flies and rodents but since the site is harrowed and pushed into the ground, that issue should be short lived.
- Defensible space. Jim Jarvis brought up Joe Husar's suggestion for more information regarding defensible space for the subdivision being listed in the covenants/conditions. There was no discussion.

<p>MOTION: To approve the Elias Mill Gulch Subdivision with conditions as recommended by staff. Moved by Dave Maddison; seconded by Laurie Schmidt. Motion passed unanimously.</p>

Recommended conditions:

[Standard subdivision conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR 9/2006*
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix R of 2006 Madison County Subdivision Regulations) must be filed with the final plat. *II-H.2 and II-H.4. (a)-(c) MCSR 9/2006; 76-3-611 MCA*

3. The final plat must be accompanied by a certification from a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land. *II-G(c) and Appendix K, MCSR 9/2006; 76-3-612, MCA*
4. All subdivision road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. *II-G and Appendix K, MCSR 9/2006; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA*
5. Future modification of any elements shown on the plat may not be made without County review and approval. *IV-A.14 and 19, MCSR 9/2006; Section 27-30-101, MCA*
6. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on public roads leading to the subdivision.
IV-A 9 (a)–(h) MCSR 9/2006; 76-3-608 MCA
7. Prior to final plat approval, proposed road names shall be submitted to and approved by Madison County Planning. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
8. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County's rural addressing and Emergency 911 system. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
9. Upon completion of road improvements, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
10. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, a Subdivision Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements. *IV-A 14 (c-2) MCSR 9/2006; 76-3-608 MCA*
11. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit." *IV-A 16 MCSR; Madison County Sanitarian Regulations; 76-3-608 MCA*

[Specific subdivision conditions]

12. Prior to final plat approval the developer shall provide evidence of financial commitment to improve Mill Gulch Road in cooperation with the county's Fair Share Cost Program. *IV-A 9 MCSR; 76-3-608 MCA*
13. Prior to sale of each lot, the developer must install and develop a functional well (per State of Montana Sanitation in Subdivisions Act) and a 5,000 gallon underground cistern with hydrant, accessible to emergency vehicles, on each lot. *IV-A 14 (c-2) MCSR; 76-3-608 MCA*

14. Prior to final plat approval, to prevent over-grazing by livestock, plat covenants will be recorded to prohibit lot line fencing and requiring dry feed lots of a size and design recommended by the local Natural Resource Conservation Service District Officer. *IV-A 18 MCSR; 76-3-608 MCA*

Prior to final plat approval, recognizing the importance of open-space for wildlife habitat, the developer shall record a plat covenant prohibiting further division of these subdivision lots. *IV-A 20 MCSR; 76-3-608 MCA*

- B. Perkins Mill Gulch Subdivision** - 4-lot minor subdivision located on the north side of Mill Gulch Road, 4.2 miles east of Laurin. Described as Tract 2D of COS 7/2019-FC, in W1/2, Section 36, T. 5 S., R. 4. W., P.M.M. (Owner – Lynn Perkins) Recommended for approval.

Overview presented by Jim Jarvis (report on file). This subdivision is directly north of the Elias Mill Gulch Subdivision previously discussed.

David Elias added that he'd spoken with the fire chief regarding tanks for that subdivision. 5000 gallon tanks will fit adjacent to county roads and one will be set out from the road near the one property that does not sit near the road.

Public comment: No additional comments were made.

Planning Board Discussion

- Agriculture. Board often speaks regarding a property being viable for agriculture or not. While a property does not always have crops on it, it may still be grazeable and thus still has agricultural value.
- General. It was noted that since the last meeting David Elias seemed to really take the Board's comments to heart and many improvements had been made; including the addition of covenants. This action was appreciated.

MOTION: To approve the Perks Mill Gulch Subdivision with conditions recommended by staff. Moved by Donald Loyd; seconded by Kathy Looney. Motion passed unanimously.

Recommended conditions:

[Standard subdivision conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR 9/2006*
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix R of 2006 Madison County Subdivision Regulations) must be filed with the final plat. *II-H.2 and II-H.4. (a)-(c) MCSR 9/2006; 76-3-611 MCA*

3. The final plat must be accompanied by a certification from a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land. *II-G(c) and Appendix K, MCSR 9/2006; 76-3-612, MCA*
4. All subdivision road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. *II-G and Appendix K, MCSR 9/2006; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA*
5. Future modification of any elements shown on the plat may not be made without County review and approval. *IV-A.14 and 19, MCSR 9/2006; Section 27-30-101, MCA*
15. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on public roads leading to the subdivision.
IV-A 9 (a)–(h) MCSR 9/2006; 76-3-608 MCA
16. Prior to final plat approval, proposed road names shall be submitted to and approved by Madison County Planning. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
17. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County's rural addressing and Emergency 911 system. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
18. Upon completion of road improvements, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances. *IV-A 9 (k-2) MCSR 9/2006; 76-3-608 MCA*
19. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, a Subdivision Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements. *IV-A 14 (c-2) MCSR 9/2006; 76-3-608 MCA*
20. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit." *IV-A 16 MCSR; Madison County Sanitarian Regulations; 76-3-608 MCA*

[Specific subdivision conditions]

21. Prior to final plat approval the developer shall provide evidence of financial commitment to improve Mill Gulch Road in cooperation with the county's Fair Share Cost Program. *IV-A 9 MCSR; 76-3-608 MCA*
22. Prior to sale of each lot, the developer must install and develop a functional well (per State of Montana Sanitation in Subdivisions Act) and a 5,000 gallon underground cistern with hydrant, accessible to emergency vehicles, on each lot. *IV-A 14 (c-2) MCSR; 76-3-608 MCA*

23. Prior to final plat approval, to prevent over-grazing by livestock, plat covenants will be recorded to prohibit lot line fencing and requiring dry feed lots of a size and design recommended by the local Natural Resource Conservation Service District Officer. *IV-A 18 MCSR; 76-3-608 MCA*
24. Prior to final plat approval, recognizing the importance of open-space for wildlife habitat, the developer shall record a plat covenant prohibiting further division of these subdivision lots. *IV-A 20 MCSR; 76-3-608 MCA*

XI. Old Business

A. Streamside Protection Regulations, status report

Jim presented an overview (report on file). Discussion followed regarding:

- Notification of citizens to attend, especially those impacted.
- Speakers that might bring in more people.
- Jim noted that at the last meeting, Ralph Hamler felt that with the ordinances currently in place and the rules applied by the Sanitation department that there weren't any big issues with the water quality. It was noted by the Board that septic problems were not the only threat to water quality.

B. Geology Field Trip – Upper Ruby, October 9

Charity – email reminders will be sent out to everyone. We will be meeting at the Alder Fire Station at 10:00am.

C. Subdivision Regulations:

Charity – Stated this was still on the agenda because the Board had asked it be a continuing item. A discussion regarding putting covenants on plats began and it was noted that legality should be looked into first.

D. Development Constraint Mapping:

Charity – passed out samples of different layers that can be applied to maps. A wildfire interface map was requested to be added.

During this time, Anne Schwend suggested setting up a Planning Board Work Session to discuss constraint mapping, the legislative year, and other items that seem to not get worked out. The planning office will send out an email to see who can volunteer and when to meet.

E. Other

There was no other old business.

XII. New Business

A. Planning Board Members Reports

No reports were given.

B. Development Impact Fees

Charity – gave a summary of the September 8 meeting in Alder (report on file). Michael Kakuk will be here October 14 at 11:00am to speak with the Commissioners about the steps to follow. Pat Bradley expanded on the issues covered at the Alder meeting.

C. MAP Conference

Charity – gave an overview of sessions she attended (report on file).

- The Professional Land Surveyor's Role in Production of a Preliminary Plat
- Keynote – Flathead Lake Biology
- A Planner's Guide to Using Fish, Wildlife, Plant and Habitat Information
- Floodplain Management
- Keynote – Humor in Planning
- Preparing or Updating a Growth Policy: Four Diverse Jurisdiction's Experiences
- Wastewater Management: New Technologies
- A Takings Primer
- 2009 Legislative Issues

D. Planning Office Report

Charity - report on County Commission activities, office activities and upcoming activities (report on file).

E. Other

Board felt it was important to find funding for the wildlife overlay project (presented by Brent Brock earlier in the meeting) for the rest of the county.

X. Adjournment

The meeting was adjourned at 9:21 p.m.

Ann Schwend, President

Leona Stredwick, Secretary